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April 3, 1995

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**VIA HAND DELIVERY**

Mr. William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

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APR - 3 1995

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

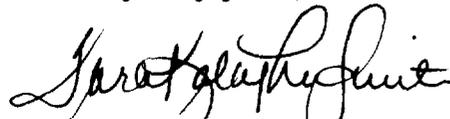
Re: Response to the Telephone Electronics Corporation's Emergency Petition for Waiver -- PP Docket No. 93-253

Dear Mr. Caton:

Enclosed for filing please find the original and five copies of the Comments filed by TTW Communications Inc. in response to the Telephone Electronics Corporation's Emergency Petition for Waiver.

We appreciate your addressing any questions concerning this matter to the undersigned. Thank you.

Very truly yours,

  
Tara Kalagher Giunta

Enclosures

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Before The  
FEDERAL COMMUNICATIONS COMMISSION  
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APR - 3 1995

FEDERAL COMMUNICATIONS COMMISSION  
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In the Matter of )

PP Docket No. 93-253

Implementation of Section 309(j)  
of the Communications Act -  
Competitive Bidding )

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COMMENTS OF TTW COMMUNICATIONS INC.  
IN RESPONSE TO  
TELEPHONE ELECTRONICS CORPORATION'S  
EMERGENCY PETITION FOR WAIVER

TTW Communications Inc. ("TTW") respectfully submits its comments in response to the Telephone Electronics Corporation's ("TEC") Emergency Petition for Waiver filed on March 28, 1995.

TEC specifically requests that the Federal Communications Commission ("Commission") waive 47 C.F.R. § 24.709(a)(1) of the Rules to the extent that the gross revenues of TEC's non-rural telephone company affiliates would be included in determining whether a rural telephone company satisfies the gross revenue cap of \$125 million in each of the last two calendar years. In addition, TEC requests a limited waiver which would apply only to the C and F Block licenses in the Basic Trading Areas ("BTAs") where TEC provides services

and which have a population of less than 300,000.<sup>1</sup> TEC also requests that the Commission extend to it the 10 percent bidding credit available to small businesses and the installment payment plan available to designated entities that acquire licenses in the entrepreneurs' blocks auctions.

As provided by Congress in Section 309(j) of the Communications Act, it is the Commission's responsibility to "ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given an opportunity to participate in the provision of spectrum-based services."<sup>2</sup> TTW fully supports the participation of the rural telephone companies in the entrepreneurs' blocks and recognizes the need for personal communications services to reach rural communities consistent with the Commission's finding that "their existing infrastructure makes rural telephone companies well suited to introduce PCS services rapidly into their service areas and adjacent areas."<sup>3</sup>

We recognize TEC's unique circumstance as a holding company with both rural telephone company subsidiaries and affiliated reseller companies that resell long distance services. As such, TTW believes that it is appropriate for the Commission to grant TEC a limited waiver of the Commission's eligibility rules, to the extent requested in its waiver request.

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<sup>1</sup> However, TEC points out in one of its footnotes that it also seeks to provide service in two BTAs with more than 300,000 people in which two of its member telephone companies have exchanges. As such, it requests confirmation that it would be eligible to obtain partitioned channel C and F licenses for all BTAs in which it provides telephone service, including those with populations in excess of 300,000. *Telephone Electronics Corporation*, Emergency Petition for Waiver, 2 n. 2 (filed March 28, 1995).

<sup>2</sup> 47 U.S.C. §309(j)(4)(D).

<sup>3</sup> *Fifth Report and Order*, 9 FCC Rcd 5532, ¶ 149 (1994).

Accordingly, TTW supports TEC's request for an emergency waiver as filed with the Commission.

In particular, TTW supports a limited waiver from the Commission's eligibility rules as requested, but only to the extent that it is granted for the specific rural BTAs in which TEC currently provides services. We also support TEC's request for treatment as a small business for the purpose of qualifying for a 10 percent bidding credit and installment payments.

In supporting TEC's waiver request, however, we also respectfully ask the Commission to provide interested parties an opportunity to review and comment on any additional terms and/or conditions which may be made to this waiver. Clearly, parties which intend to bid in the C and F block licenses have a strong interest in ensuring the integrity of the process and criteria adopted by the Commission. Moreover, such parties assume substantial risk if the Commission, through this waiver, enacts terms and conditions which place them potentially at a competitive disadvantage.

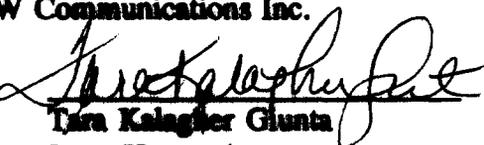
To ensure that designated entities are not excluded from involvement in the building and management of the personal communication service infrastructure, it is essential that the resolution of this issue be addressed expeditiously. TTW commends the Commission for its rapid response to TEC's request for a waiver and appreciates the Commission's

recognition of the likely adverse economic impact of such a delay on all small businesses which intend to bid in the rescheduled C and F entrepreneurs' block auctions.

Respectfully submitted,

TTW Communications Inc.

By:



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Janet Hernandez

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Its Attorneys

Dated: April 3, 1995

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3rd day of April, 1995, a copy of the foregoing  
Comments of TTW in Response to TEC's Emergency Petition for Waiver was served upon  
the persons listed below.

**BY HAND**

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**VIA U.S. MAIL**

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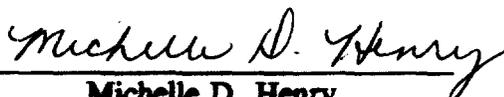
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**Michelle D. Henry**